

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NORTHBROOK PARK DISTRICT, on behalf of  
itself and all others similarly situated,

Plaintiff,

v.

MR. DAVID'S FLOORING  
INTERNATIONAL, LLC, DIVERZIFY+ LLC  
f/k/a MR. DAVID'S FLOORING  
INTERNATIONAL, LLC, PCI FLORTECH  
INC., VORTEX COMMERCIAL FLOORING,  
INC., CONSOLIDATED CARPET  
ASSOCIATES, LLC, COMMERCIAL  
CARPET CONSULTANTS, INC.,  
MICHAEL P. GANNON, DELMAR E.  
CHURCH, JR., ROBERT A. PATREY, JR., and  
KENNETH R. SMITH,

Defendants.

Civil Action No. 20-cv-07538

Hon. Robert M. Dow, Jr.

**PLAINTIFF'S UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT**

Plaintiff Northbrook Park District ("Plaintiff"), by and through its undersigned counsel, hereby moves the Court, pursuant to Federal Rule of Civil Procedure 23, for an Order: (1) preliminarily approving the proposed class action Settlement<sup>1</sup> as being fair, reasonable, and adequate; (2) preliminarily approving the form, manner, and content of the Notices and claim form; (3) directing that Notice be given to Class members in the proposed forms and methods; (4) provisionally certifying the Settlement Class for settlement purposes only; (5) provisionally

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<sup>1</sup> Unless otherwise stated herein, capitalized terms shall have the same meaning as provided in the Parties' Settlement Agreement, which is attached as Exhibit 1 to Plaintiff's Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Proposed Settlement.

appointing Plaintiff as representative of the Settlement Class; (6) provisionally appointing Steven A. Kanner of Freed Kanner London & Millen LLC and Michael L. Silverman of The Bruno Firm, LLC as Class Counsel; (7) approving Settlement Services, Inc. as the Settlement Administrator; (8) approving the proposed schedule for the final settlement approval process; (9) setting the date and time of the Fairness Hearing for no earlier than 130 days from the date preliminary approval is granted, subject to the Court's availability; and (10) entering the accompanying proposed Preliminary Approval Order in the form attached to the Settlement Agreement as Exhibit A.

Plaintiff respectfully requests that the Court, for purposes of settlement, certify the Settlement Class defined as:

All persons and entities in the State of Illinois who received bids from two or more of the Defendants or their alleged co-conspirators and purchased Commercial Flooring Products and Other Associated Services from one or more of the Defendants or their alleged co-conspirators from at least January 1, 2009 through December 18, 2020.

Excluded from the Settlement Class are Defendants, their officers, directors or employees, any entity in which a Defendant has a controlling interest and any affiliate, legal representative, heir or assign of a Defendant. Also excluded from this Class are any judicial officers presiding over this action, the members of the judicial officer's immediate family and staff.

In support of Plaintiff's Motion, Plaintiff incorporates by reference Plaintiff's Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Proposed Settlement, filed contemporaneously with this Motion. A proposed Preliminary Approval Order, attached to the Settlement Agreement as Exhibit A, is also filed contemporaneously for the Court's consideration.

WHEREFORE, Plaintiff respectfully requests that the Court grant its Unopposed Motion for Preliminary Approval of Proposed Settlement, including all requested relief with respect to the proposed Settlement of this class action, and also grant any other such relief as the Court deems appropriate.

Dated: January 28, 2022

Respectfully submitted,

/s/ Michael L. Silverman

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/s/ Steven A. Kanner

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*Interim Co-Lead Class Counsel*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing Plaintiff's Unopposed Motion for Preliminary Approval for Proposed Settlement was filed this 28th day of January 2022 via the electronic filing system of the Northern District of Illinois, which will automatically serve all counsel of record.

/s/ Michael L. Silverman  
Michael L. Silverman